

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ann M. Larson,

civil file 09 3720 (MJD/RLE)

plaintiff,

vs.

Wells Fargo Bank N.A.,

defendant.

AFFIDAVIT

STATE OF MINNESOTA

COUNTY OF BIG STONE

James A. Larson, being first duly sworn, on oath deposes and says:

1. I am the husband of the plaintiff, Ann M. Larson, named above.
2. I married Ann M. Larson in Van Meter Iowa on December 29, 1962.
3. I have never divorced Ann M. Larson, and she and I are still husband and wife.
4. She and I separated in about 1990, and we have lived separately for about 20 years.
5. I used to live in the Twin Cities, but about eight years ago I moved to Ortonville, Minnesota, to manage my business affairs in that town.
6. When I moved to Ortonville, Minnesota, I acquired a home located at 525 Lakeshore Drive, Ortonville Minnesota. I understand that the legal description of that property is Lot 4, except the southwesterly 15 feet thereof, and all of Lot 5, Block 2, Cliff's Addition to the City of Ortonville, Big Stone County, Minnesota.
7. I lived in that home from that time forward until the first mortgage against it was foreclosed in 2009 and I was thereafter evicted from that home in late 2009. I did not live in any other home between the time I moved to Ortonville, Minnesota and the date I was evicted from that home in 2009.

8. Therefore, I lived in that home in 2003, when I took out the mortgage in favor of Wells Fargo Home Mortgage, Inc., for \$100,000.00, which mortgage was recorded in the office of the County Recorder in Big Stone County, Minnesota in Book 170 of Mortgages pages 403-420., and I lived that home in 2004, when I took out the mortgage in favor of Wells Fargo Bank N.A. recorded in that same office as document number 157257.

9. The price paid for the home was approximately \$70,000.00.

10. Based on my experience in the Ortonville Minnesota real estate market I know that the house is worth substantially less than \$300,000.00. I would estimate that the house is not worth as much as I paid for it.

11. In 2004 I borrowed another \$40,000.00 from Wells Fargo Bank N.A., and placed a mortgage against my home in Ortonville Minnesota.

12. I did not tell my wife that I borrowed the \$40,000.00 in question when I did so.

13. I did not tell my wife that I placed a mortgage against my Ortonville home at 525 Lakeshore Drive to secure the payment of that \$40,000.00 loan.

14. I used the money in my business operations, and I did not give any of the money to my wife.

15. My wife did not sign the mortgage in question.

16. Before I took out the mortgage in 2003, I had to provide a great deal of information to Wells Fargo Home Mortgage, Inc. to be approved for the 2003 loan.

17. Among the pieces of information that I had to provide Wells Fargo Home Mortgage Inc. were copies of my income tax returns.

18. My marital status shown on those tax returns was "married filing separately".

19. I believe that I had to supply the same information to Wells Fargo Bank N.A. when I got the 2004 loan.

20. I do not believe that anyone asked about my marital status during the loan approval

processes in either 2003 or 2004, nor at the real estate closings when I signed the mortgages and other documents.

21. To the best of my knowledge, my wife did not know of the existence of the mortgages in question, either the 2003 or the 2004 mortgages, until after the foreclosure of the 2003 mortgage, which was in 2009.

Further your affidavit saith naught.

James A. Larson
James A. Larson

subscribed and sworn to before me this
28 day of February, 2011.

Marlise M. Gronholz
Notary Public

